



Security Council

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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND NINE HUNDRED AND FIFTY-FIRST MEETING

Held at Headquarters, New York,
on Monday, 29 October 1990, at 11 a.m.

President: Sir David HANNAY

(United Kingdom of Great
Britain and Northern
Ireland)

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Mr. LI Daoyu
Mr. PEÑALOSA
Mr. ANET
Mr. ALARCON de QUESADA
Mr. TADESSE
Mr. TORNUDD
Mr. BLANC
Mr. RAZALI
Mr. MUNTEANU
Mr. VORONTSOV
Mr. PICKERING
Mr. AL-ASHTAL
Mr. BAGBENI ADEITO NZENGEYA

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The meeting was called to order at 11.55 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION BETWEEN IRAQ AND KUWAIT

The PRESIDENT: In accordance with the decisions taken at the previous meeting on this item, I invite the representatives of Iraq and Kuwait to take places at the Council table.

At the invitation of the President, Mr. Al-Anbari (Iraq) and Mr. Abulhasan (Kuwait) took places at the Council table.

The PRESIDENT: The Security Council will now resume its consideration of the item on its agenda.

I have to inform the Council that France and the Union of Soviet Socialist Republics have joined in sponsoring the draft resolution contained in document S/21911.

I should like to draw the attention of members of the Council to document S/21892, which contains the text of a letter dated 19 October 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General.

The first speaker is the representative of Iraq, on whom I call.

Mr. AL-ANBARI (Iraq): Since this is the first time I have addressed the Council under your presidency, Sir, I should like to congratulate you on the assumption of that responsibility. I wish you the best of luck in serving the cause of peace throughout the world as well as in conducting the meetings and affairs of the Council. I confirm my delegation's willingness and readiness to co-operate with you fully and to consult with you at all times, as we did in the past when your predecessor, Sir Crispin Tickell, was Permanent Representative of the United Kingdom.

(Mr. Al-Anbari, Iraq)

(spoke in Arabic)

Every single one of the eight resolutions adopted by the Security Council regarding the so-called Gulf crisis, as well as the draft resolution now before the Council has been justified as a resolution that was adopted in the service of the cause of peace, the avoidance of war and against the use of force. That being the case, and these being the views of those who have been pushing the Council to adopt those resolutions, one after another, it was assumed that there would be nothing wrong in flouting this or that principle of the Charter, or international instruments or any norm of international law.

(Mr. Al-Anbari, Iraq)

However, I fear that such an approach might lead to a very serious slippery path whose very first casualty will be the United Nations and its credibility. Therefore, I should like to be allowed to shed some light on what I believe to be a glaring contradiction between the Council's resolutions and the Charter of the United Nations, on the one hand, and on the other between the actions of some permanent members of the Council vis-à-vis the Gulf crisis, and especially vis-à-vis Iraq, and the letter and spirit of Security Council resolutions. I shall later put forward the views of my Government with regard to the various paragraphs of the draft resolution before the Council.

First: the Council bears the primary responsibility for guaranteeing international peace and security, and, in shouldering that responsibility, acts on behalf of the Member States of the United Nations. This is specifically stipulated in paragraph 1 of Article 24 of the Charter. However, paragraph 2 of that same Article stipulates that, in discharging its duties, the Security Council shall act in consonance with the purposes and principles of the United Nations.

I fear that because it found itself required to work day and night in order to adopt one resolution on the heels of the other on the Gulf crisis, the Council has not paid enough attention to the purposes and principles of the United Nations, which are the constitutional guarantee that the Council will not exceed its mandate and that any Member State shall not act arbitrarily in exercising its responsibilities as a member of the Council or in justifying any measure it takes under the pretext of implementing Council resolutions.

The main purpose of the United Nations, as enshrined in Article 1 of the Charter is - and here I quote part of paragraph 1 of that Article:

"to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

(Mr. Al-Anbari, Iraq)

When I refer to the need for the Council to act in accordance with the principles of justice and international law, I do not mean to suggest that the Council is an international court or a judicial body. Since it is made up of the five Powers that were the victorious allies in the Second World War and of 10 other States elected by the General Assembly, it is a political organ. Its members are not international judges or international diplomats acting and voting without being influenced by their own national interests or by the political considerations that determine the foreign policy of their countries and the domestic and regional interests of their Governments. Nevertheless, the Council and its members are duty bound to observe the principles of justice and international law, because their very membership of their Council and the rights and privileges as members of the Council derive from the Charter. Therefore, they are bound to respect all that is in the Articles of the Charter.

Regardless, the Council has not hesitated to adopt eight resolutions under Chapter VII of the Charter on a crisis that really threatens international peace and security, not only in the Gulf region but in the world as a whole. In doing this, the Council did not deem it appropriate to consult with Iraq on any of the eight resolutions adopted since 2 August 1990 or any paragraph therein, despite the fact that all those resolutions concern Iraq and affect its independence, sovereignty and national security. In so doing, the Council has ignored its obligations under the Charter to observe the principles of justice and international law in discharging its duties.

The most elementary principle of justice demands that each party to a dispute should be given the opportunity to put forward its rights and claims as it sees them and to make clear what it deems to be the appropriate means of settling the dispute. In disregard of this principle, however, the Council preferred to adopt

(Mr. Al-Anbari, Iraq)

its resolutions without contacting or advising Iraq of its consultations. Those consultations took place in secrecy. The resolutions were adopted in a form that was akin to ultimatums calling for capitulation, rather than a form that urged peace.

(Mr. Al-Anbari, Iraq)

This approach in adopting resolutions against Iraq has also prompted the Council to disregard the other peaceful means and avoid the use of good offices to bring to light the true causes of the conflict and the circumstances that led to it, with a view to finding a peaceful and realistic solution thereto. Instead, the Council has rushed to adopt resolutions that are akin to military orders or judgments in absentia against Iraq. In the teeth of all these facts, there are those who say, as we have heard, that Iraq has not shown flexibility or responded positively to those orders or resolutions, which were adopted against it without its being consulted, without hearing its case and without consideration of its feeling that its sovereignty and national security have been infringed.

Surely, this is not the best means of settling international disputes under the principles of justice and the norms of international law. Secondly, some have gone so far as to defend this unjust and dangerous approach in addressing the Gulf crisis by claiming that the adoption of hasty harsh resolutions on the heels of each other is necessary and in the interests of Iraq, the Arabs and the world at large as such resolutions are supposed to focus on the option of peace and preclude the option of war and destruction.

That, however, is not the truth. The truth is that that claim is no more than a justification for the adoption of such resolutions, that are not in the interests of peace or peaceful settlement of the conflict, but in the interests of the very opposite. The manner of their preparation and the secrecy that surrounds the consultations that lead to their adoption, their contents and the timing of their adoption, are such that each one of the resolutions, including the draft resolution now before the Council, which, if adopted, will be the ninth in the series, has been with the express purpose of escalating the situation and aborting every international or regional peace efforts or initiative.

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(Mr. Al-Anbari, Iraq)

The purpose is also to send a message to the States of the region that they should not consider or work for any peaceful Arab solution to the crisis but should rather put the halter in the hands of those who have the say in the Council, so that they may determine how the Arabs should live with each other and how they should not try to resolve their problems by themselves, or try to preserve their own oil and water resources, or try to safeguard their national security since there are others who are much more concerned with the Arabs' national interest, future and security than the Arabs themselves.

This process of escalation that is spearheaded by the United States and its allies and applauded by their lackeys is now on the verge of reaching its pinnacle in the form of the draft resolution before the Council. It will make it possible for the warmongers and advocates of carnage and aggression to declare that they have exhausted all peaceful means and failed and that the only option now is war. The fact of the matter is that the United States started its military buildup on land and at sea even before it was asked to do so by any State in the region. The United States has engaged in aggression and taken the initiative of decreeing a naval blockade with its ally, the United Kingdom. That is an act of war and an act of aggression under the definition of aggression adopted by the General Assembly.

The United States acted in that manner before the Council adopted resolution 661 (1990). That resolution, which the United States pushed through for adoption on 6 August 1990 by exerting all sorts of pressures - only three days after the adoption of resolution 660 (1990) - was designed simply to allow the United States to ensure cover for its acts of aggression against Iraq and to claim legality for its aggression against Iraq under the umbrella of resolution 661 (1990) although that resolution did not and does not authorize the United States or any other State

(Mr. Al-Anbari, Iraq)

to blockade Iraq. My Government has rightfully described that resolution as unjust and declared that it contravenes the United Nations Charter.

The naval blockade has led, just as Iraq expected upon the adoption of resolution 661 (1990), to a situation of anarchy and piracy on the high seas. Indeed, between 27 September and 8 October, one Iraqi vessel, the Tadmur, was searched three times. Even the foodstuffs on board for the sustenance of the vessel's crew were seized. Those actions were committed by United States, British and Australian naval units, as detailed in the letter addressed by my Government on 15 October 1990 to the Secretary-General (S/21874).

Thirdly, today we are faced with yet another falsehood that runs counter to the United Nations Charter. That falsehood claims that certain States, especially the United States and its allies, have the right to use force and commit acts of aggression against Iraq under cover of Article 51 of the Charter which relates to the right of individual and collective self-defense.

(Mr. Al-Anbari, Iraq)

We know that, in the first instance, it is only the Security Council that has the right to use force within the limits and according to the procedures stipulated by the United Nations Charter. That right is exclusive to the Security Council; no other party has that right. Indeed, the use of force by any other party is prohibited under the terms of Article 2 of the Charter. There is only one exception, namely that which is stipulated, within narrow limits, by Article 51. However, the right to use force in individual or collective self-defence is subject to a time scale specified by Article 51. The right of self-defence is authorized until such time as the Security Council has taken measures. Since all these resolutions were adopted by the Council in accordance with Chapter VII, and the Council decided to remain seized of the situation until the conflict is resolved, no State - neither the United States nor any other - has the right to use force. That is, of course, if we do respect the Charter of the United Nations which must be respected - by the members of the Security Council, above all others.

Despite this, the United States declares, from one day to the next, its intention to increase the number of its troops in the region and to expand the targets of its military forces. It does not hide its intention to attack Iraq under any pretext it can use, notwithstanding the fact that this contravenes the obligations that it entered into as a member of the United Nations and of the Security Council.

Herein is the extreme gravity of the game that is being played by certain States, especially the United States and its allies, which keep on beating the drums of war. When those States perpetrate acts of aggression against Iraq and describe those acts as peace measures, they are making a pretext of the right of self-defence while violating in a very blatant manner the terms of Article 51 of the Charter. Those violations of the rules of the Charter, as well as this

(Mr. Al-Anbari, Iraq)

double-speak and hysteria of military mobilization have prompted some marginal parties in the region to applaud the warmongers even more enthusiastically and vociferously than before. In this regard, those applauding parties are like moths hovering round a flame and are sure to get roasted in the process before anyone else.

Fourthly, the United Nations Charter - in Chapter VIII, Article 52 - states specifically that:

"The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements ..."

It is regrettable - indeed, it is a grave matter - that the Council has completely disregarded the Arab initiatives calling for a peaceful Arab solution of the Gulf crisis. The dangerous nature of this stance is that, in the end, it shall lead to a situation wherein foreign Powers shall benefit at the expense of legitimate Arab interests especially - and this is the crux of the matter - by occupying the Arab oil fields and depriving the Arab nation with all its countries of exercising their sovereignty over their own natural resources or adopting production and pricing policies that serve the legitimate interests of the Arab States and safeguard their national security, whether they be oil producers or not.

This disregard by the Security Council and its permanent members of Arab initiatives has not been spontaneous or a simple mistake. It is a deliberate policy that bespeaks a determination not to permit any regional organization or Power to act independently of or apart from United States interests. This also confirms the intention to perpetrate aggression against Iraq and the determination to break the back of any striving by the Arabs to exercise their own will. The aim of course is to occupy permanently the Arab oil fields, control navigation in the Gulf and threaten the national security of Iraq and other Arab countries.

(Mr. Al-Anbari, Iraq)

The Security Council knows full well that, at the beginning of the crisis, His Majesty King Hussein of Jordan tried to arrange a mini-summit meeting in Jeddah in which Iraq, Saudi Arabia, Egypt, Yemen and Jordan were to take part with a view to dealing with the problem in the context of the supreme interests of the Arabs, and in keeping with the traditions of all Arabs. However, the visit of the United States Secretary for Defence to the region on 6 August 1990, and the ensuing United States military build-up aborted the holding of that Arab mini-summit.

(Mr. Al-Anbari, Iraq)

Since then, the United States and its allies have not been satisfied with merely ignoring Arab initiatives. They have heaped scorn on those initiatives and slandered the Arab leaders who have been trying to resolve this crisis and unite the Arab world. They have kept harping on the theme of "no negotiations before unconditional capitulation". They have gone to such lengths in this respect that it now appears as if the approach of peaceful solutions and negotiations has been declared an unforgivable crime.

We have always called and continue to call upon the Council to abide by the rules of the Charter which give precedence to local solutions within the framework of regional organizations, before the Council decides to take a leap and selectively impose sanctions under Chapter VII of the Charter.

We do not say any of this, however, in order not to face the Council or to prevent it from shouldering its responsibilities. We say this because we are convinced that the Arabs know their problems better than anybody else, are well aware of the designs of foreign interests on their oil, water and other resources, and are in a better position to find the right solutions for their own problems.

The fact of the matter is that the demographic make-up of the Arab world, its means of communication and telecommunications, its strategic and its immediate interests, its water and oil resources, as well as its national and social characteristics, its religious beliefs and, above all, the Palestinian cause, are factors which combine to make every Arab country interlocked with all the others. Therefore, there is a need for an Arab framework, not only to co-ordinate and promote Arab co-operation, but also to resolve Arab crises and Arab problems.

However, regrettably, foreign Powers, especially the United States and its allies, continue to succeed in intervening and bringing pressure to bear on this or that Arab party and, by so doing, manage to sow mutual suspicions and divisions in

(Mr. Al-Anbari, Iraq)

order for them to reap their desired gains and benefits at the expense of Arab interests, and Arab security, just exactly as they used to do in the 19th century.

We had hoped that the ending of the cold war would lead to the promotion and development of resolving problems by peaceful means, and that that would lead in turn to the increased participation of regional organizations in the peaceful resolution of those problems, starting from their root causes. However, we witness the emergence of a tendency that is nearer to violence and coercion rather than peace and justice.

It is in the context of that tendency that this Council disregards all the alternative peaceful means which could be utilized and opts for the imposition of its resolutions and sanctions, selectively, against one State and never against another. One proof of this is the permissive lenient stance by the Council vis-à-vis the Israeli entity, on the one hand, and the method of violence and mobilization against Iraq adopted by the Council, on the other hand.

The Security Council knows, no doubt, that it has adopted 168 resolutions concerning the Palestinian cause and 44 resolutions on Lebanon. We know that during that period, the United States exercised the veto 91 times. Notwithstanding, neither the Council nor the United States has pursued the implementation of those resolutions or threatened to invoke sanctions under Chapter VII against the Israeli entity. The fact that the United States and the Security Council have seen fit to ignore the initiative of 12 August 1990 by President Saddam Hussein wherein he called for dealing with all the region's problems on an equitable just basis, is the conclusive proof that the United States is determined to prevent any peaceful Arab solution to the crisis, and that it is its economic, financial and strategic designs on the region that motivate it, in collaboration with the Zionist entity. By disregarding the Iraqi initiative to

(Mr. Al-Anbari, Iraq)

which I have referred, the Security Council has wasted an historic opportunity for acting and consolidating its credibility in the maintenance of international peace and security.

All those who really want to promote and consolidate the rule of law in international relations, which, we hope, is what is meant by all that talk of the so-called "new international order", must have hoped that the Council would take the opportunity provided by President Saddam Hussein's initiative and, at long last, draw up the necessary rules and arrangements for resolving all the problems of the region.

However, the Council preferred to let that opportunity slip by. Yet the Council can still consider the initiative more seriously since it is the most realistic and vital initiative for resolving all the problems of the region. All the region's problems are interconnected at the root and cannot be resolved separately from each other, partially and superficially. It is impossible to resolve some of those problems and leave others pending to grow like a cancer in the body of the Arab nation and spread like a malevolent growth.

By disregarding that peace initiative, the Security Council has further aggravated the Gulf crisis and escalated the threat of war, on the one hand, and, on the other, sent an implicit message to the Zionist entity and to other régimes in the Middle East to the effect that they can ignore Security Council resolutions, continue their occupation of the territories of others and their violations of the 1949 Geneva Conventions, which they have been trampling for years now with complete impunity as far as the Council is concerned.

(Mr. Al-Anbari, Iraq)

We must ask why is it that the United States and the United Kingdom insist that it is the Gulf crisis that should be resolved while they put the sufferings of the Palestinian people on the back burner indefinitely? Those two Governments are opposed to the idea of resolving all the problems of the region on the same footing and on the basis of the same principles on the grounds that to do so would make an unacceptable linkage between the two problems. Obvertly, those same two Governments are seeking to link the postponement of a solution to the Palestinian problem, rather arbitrarily to the situation in the Gulf. That position is illogical and unjust.

The United States and the United Kingdom declare publicly that they are not seeking a peaceful solution to the Gulf crisis, and they seek the destruction of Iraq's military and economic capabilities. Margaret Thatcher, the Prime Minister of the United Kingdom, stated on 28 October that the embargo and blockade against Iraq must continue until Iraq is deprived of every chemical, biological and nuclear capability. These were her own words. It seems that she has decided for herself that Iraq has acquired nuclear weapons. At the same time, however, she said not a word about the whole arsenal of weapons of mass destruction acquired by Israel, including nuclear weapons.

The Iraqi initiative to which I have referred did not seek to embarrass the Council or to prevent it from dealing with the Gulf crisis. The initiative did highlight, however, the double standards of the Security Council, in dealing with the events of the region. It showed how the Council wears kid gloves when it deals with the Israeli entity's occupation of Arab lands, its ongoing extermination of the Arab people in Palestine, its violation of all Security Council resolutions and its trampling of the Fourth Geneva Convention, under the protection of the United States and its allies.

(Mr. Al-Anbari, Iraq)

The United States, as I have said, has never hesitated to use its veto, no matter how brutal the Israeli crimes and no matter how defiant Israel has been in opposing the resolutions of the Council, international instruments and rules of international law. Even on those rare occasions when it has not, as in the case of resolution 673 (1990) adopted by the Council against the Israeli authorities calling on those authorities to allow the mission of the Secretary-General to inquire into the crimes committed by the Israeli authorities against the Palestinian people, the United States, the United Kingdom and their allies made it their business to water down the resolution in both form and substance, so that the resolution may not exceed its tactical purpose of making it possible for the United States to secure the adoption of yet more unjust resolutions against Iraq, such as the one now before the Council.

Now that I have shed light on some of the fallacies of the situation and the grave offences committed against Iraq in the name of the Charter and of peace, I shall comment briefly on some of the operative paragraphs of the draft resolution before the Council.

This draft resolution consists of two parts, part A, which has been prepared by the United States, the United Kingdom and other permanent members who appear to have gone along with it, and part B, which has been authored by the non-aligned countries. We would have preferred the two drafts to be issued separately, independently of each other, not only because they are contradictory in letter and spirit but also so that each member State should make plain its peace-loving or aggressive intentions. However, Iraq welcomes the appeal for peaceful solutions in order to spare the region the devastating war for which the United States is gearing up against Iraq. Notwithstanding this, however, we feel that if the Council really intends to make proper use of the good offices of the Secretary-General, it would not be appropriate to limit his freedom of action and

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(Mr. Al-Anbari, Iraq)

shift to him the burden of implementing the biased, unjust resolutions whose purpose is to prepare for a war of aggression against Iraq. We feel that good offices cannot bear any fruit if the intention behind them is to secure capitulation and the surrender of Iraq's rights, its interest and its national security.

(Mr. Al-Anbari, Iraq)

As far as paragraphs 1 to 4 are concerned, they are such that they would cause the crisis to get into a vicious circle. Instead of creating conditions for a peaceful solution, they would simply complicate the situation further, as they ignore Iraq's rights and the negative consequences of the implementation of earlier Council resolutions. This draft has been based on tendentious rumours propagated by parties that are prejudiced against Iraq or stand to gain from spreading and emphasizing those rumours, especially when one considers the vast amounts of money changing hands with public relations companies in certain countries.

Iraq, which is living under the terror and aggression of the allied foreign troops that are massed against it, has repeatedly announced that if those forces were withdrawn, or if the States concerned undertook not to commit any act of aggression against Iraq, their nationals would be free to go wherever they wished, knowing that Iraq would undertake to ensure their safety, dignity and security.

Why, then, should there be any crocodile tears on the lot of foreign nationals in Iraq, when the Iraqi people as a whole, has been subjected to an arbitrary blockade, and has in fact been made the hostage of ground-based, naval and air forces that are threatening Iraq with death and destruction?

Those forces threaten Iraq with destruction unless it capitulates and unless the Arab nation capitulates with it and yields to the orders of foreign forces and the aerial and naval pirates now active in the region.

Paragraph 5 of the draft exposes the contradictions in the Security Council resolutions imposing a blockade and restrictions on the importing of foodstuffs into Iraq; it sets as a condition the need for such imports to be carried out by international agencies with the approval of the Council's Committee charged with monitoring implementation of the embargo.

(Mr. Al-Anbari, Iraq)

But the Council did not hesitate to call on Iraq to provide foodstuffs and elementary necessities to the nationals of the third countries, though the Council itself had forbidden Iraq to import essential foodstuffs, spare parts and other necessities, which it needs in order for it to be able to provide necessary services to its own nationals or to foreign nationals residing in Iraq.

But the gravest paragraphs that most severely contradicts the Charter and flies in the face of the peace-making claims of those States preparing to commit aggression against Iraq and paralyse its economic potential and international relations, are paragraphs 8 and 9.

We believe that the Council has exceeded its mandate, because it is a political body consisting of members who seek only to advance their own political interests. It is not a judicial body consisting of independent, impartial judges competent to rule on compensation for those entitled to it in any conflict. As for the fact that the Security Council is now preparing to continue to do harm to the interests of Iraq, even after the resolution of the Gulf crisis, this fact shows to what extent certain members of the Council are abusing it and exploiting it to provide a cover of legitimacy for their acts of aggression and maritime piracy. In these two paragraphs, those States have taken the liberty of looting Iraqi patrimony, while they shed tears over the plight of the developing countries.

When the Council adopted resolution 661 (1990) ordering an economic embargo against Iraq, Iraq warned that it would seriously damage all the States of the world, particularly those of the third world that import oil, because Iraqi oil exports would no longer be on the market, and oil prices would rise, thus aggravating the economic crisis of those countries, which as we know, are already suffering under mounting debt burdens. This sudden increase in the cost of their oil imports would be damaging to them, Iraq warned. Moreover, the industrialized States and other oil-producing States would gain billions of dollars in profits

(Mr. Al-Anbari, Iraq)

regardless of the woes of the oil-importing countries. States that are profiting from the increased price of oil have taken advantage of the embargo measures and are now shedding crocodile tears over the plight of the third world and third-world immigrant workers.

The losses being endured by all States, including the developing countries, some of whose nationals were working in Iraq and the region, as a result of increased oil prices and the embargo measures, are far greater than the losses being suffered by the nationals of those States as a result of their having left their work and returned to their countries because of the worsening of the Gulf crisis.

(Mr. Al-Anbari, Iraq)

I wish to make it very clear that the losses suffered by third-country citizens have not resulted directly from the Gulf crisis. Rather, they have resulted from the massing of ground, sea and air forces - particularly those of the United States. The resultant fear of mass destruction, in addition to the deteriorating economic situation in the region because of the economic embargo decreed against Iraq by the Security Council, the arbitrary decisions of the Council's Sanctions Committee and its bias in dealing with the applications by certain countries that have suffered losses have combined in bringing about that suffering. While responding promptly to the application of some countries, the Sanctions Committee has engaged in dilatory tactics in respect to other applications, for biased, political reasons, in contradiction with the Security Council's embargo resolutions - and in violation of human rights, for that matter.

While Iraq emphasizes the illegality of the paragraphs of the draft resolution relating to compensation on objective and juridical grounds, it believes that the Security Council should rather recommend that United Nations bodies adopt just formulae whereby the former colonial Powers are made to compensate their former colonies for their natural resources that were plundered, either directly or through the economic concessions granted to the colonial Powers' corporations. The colonial Powers exploited the peoples of their colonies, looted and removed their cultural patrimony and even annexed parts of their territories. That is what the United States did with regard to Mexico. In Palestine the United Kingdom created an entirely artificial entity alien to the region. These Powers have killed innocent civilians. That is what the United States did recently in Panama, in Grenada, in Nicaragua. The mass graves of innocent civilians are there for everyone, including Americans, to see.

(Mr. Al-Anbari, Iraq)

Iraq again declares its desire and determination to avoid war and to establish peace in the region, so that Arab solidarity may be strengthened and all the problems of the region may be solved on an equal footing, on the basis of uniform principles and in accordance with the Iraqi initiative of 12 August 1990.

At the same time, Iraq stresses its right and its readiness to defend itself against any foreign aggression, especially the one now being prepared by the United States in co-ordination and consultation with the Israeli entity.

Finally, I think it is relevant to quote from a book entitled "International Law In A Divided World" by a famous international jurist, Anton Gazaz. He states that the most heinous crimes against international moral values and legal principles fall into three categories: Nazi racist genocide, apartheid, and the dropping of nuclear bombs on Nagasaki and Hiroshima.

The PRESIDENT: I thank the representative of Iraq for the kind words he addressed to me personally at the beginning of his statement.

The next speaker is the representative of Kuwait, on whom I now call.

Mr. ABULHASAN (Kuwait) (interpretation from Arabic): The representative of the Iraqi régime spoke of the Security Council's duties under the Charter. He spoke of international law. He said that the series of resolutions adopted by the Security Council would lead to a dangerous slippery path whose first casualty will be the United Nations and its principles.

The members of the Security Council must certainly have viewed the statement of the Iraqi representative as an accusation against them. With all due respect, I should like to say that it would be better if the States Members of the Organization committed themselves to observing the principles of the Charter and the rules of international law, rather than violating the letter and spirit of the

(Mr. Abulhasan, Kuwait)

Charter. The Iraqi régime has violated each and every Article of the Charter when it launched its aggression against Kuwait and occupied and annexed it by military force.

The Iraqi régime has committed and is still committing crimes never committed by any of the régimes he spoke of at the end of his statement - including the Nazi and Israeli régimes.

It is those actions by the Iraqi régime which threaten international peace and security. The practices in which it is engaged are a violation of all the international Conventions, including the Fourth Geneva Convention and the Vienna Convention on diplomatic immunities.

The Iraqi representative spoke at length of the peaceful settlement of disputes. He seems to have forgotten, or to have ignored, the fact that we in Kuwait were prepared to welcome the peaceful settlement of the differences between Iraq and Kuwait through negotiations. Indeed, the first negotiations were held only a few hours before Iraq's aggression and its occupation of Kuwait. And, of course, there were previous talks and attempts over 12 years which were designed to persuade the Iraqi régime to negotiate and solve its problems with us peacefully.

(Mr. Abulhasan, Kuwait)

However, Iraq used our negotiations with it to procrastinate in order to prepare for what it did on 2 August. Iraq used those negotiations which were intended to solve the problems in order to make preparations to commit aggression against Kuwait and to mislead the whole world about its intentions. It is no longer a secret that the President of Iraq deceived the whole world - deceived Arab and international leaders with his promises. How can such men keep their promises?

The representative of the Iraqi régime, who is a man of the law, should re-read the statement he has just made. He should re-read it objectively. However, I am sure that under the present circumstances, he could not be objective or neutral. If he reads the statement objectively he will find that it works against him because his régime worked against what he stated. His régime violated the Charter by using force to settle disputes. It occupied and annexed by military force a State member of the Arab League and the United Nations. It continues to commit the most vicious practices against a brotherly people and tries to obliterate its identity.

In another part of his statement, the representative of Iraq mentions Arab initiatives. We are surprised at his belief that he could deceive the members of the Security Council and the Member States of the United Nations as if they were not able to understand the situation, or as if they were living in another world and do not follow the news in the mass media. The League of Arab States met in Cairo from the very beginning of the aggression and adopted a resolution condemning it and calling on Iraq to withdraw unconditionally and fully before the meetings of the Security Council. The representative of Iraq forgot, or tried to forget, that the Arab Summit met in an emergency session in Cairo and adopted resolution 195 which embodied the Arab view on how this dispute should be solved through the call

(Mr. Abulhasan, Kuwait)

of the Arab leaders - the highest authority in the Arab world - for the unconditional and complete withdrawal of Iraq and the return to Kuwait of its legitimacy and full compensation for the losses it sustained.

However, Iraq as a result of its aggression and its premeditated policies, rejected that resolution as it did all the resolutions of the Security Council. It rejected all Arab and international initiatives. At the same time, and in the same wicked manner, it sought to circumvent the Arab resolutions by pushing some of its allies - regrettably Arabs - who betrayed the faith and the promise and who presented some ideas which have nothing to do with the resolutions of the Arab Summit and the resolutions of the Security Council.

These initiatives have been doomed to failure. Even more, the Arab League held a meeting on 10 September in Cairo and adopted resolution 195 which called on Arab States to direct their initiatives through the Arab League and observe the provisions of the resolution.

As for international initiatives, the latest example was the mission of Mr. Primakov, the emissary of the Soviet President. The Security Council had deferred voting on the draft resolution last Saturday in order to give him a chance to convince the Iraqi leadership of its isolation and that the only solution, as well as its only salvation, lay in the resolutions of the Security Council through unconditional and complete withdrawal and the return of Kuwaiti legitimacy, thus avoiding the consequent destruction in the region.

But, as expected, what the Iraqi régime wants is to mark time in order to try to divide the alliance against it. Every day that passes is a time of suffering for the Kuwaiti people which is being brutalized every day by the aggressive invaders with killings and looting and even subjecting children to those horrors. That takes place every day at a time when the so-called initiatives are being explored.

(Mr. Abulhasan, Kuwait)

That is what the Iraqi régime wants. It wants to gain time. That is what it wants when it meets an emissary or an envoy. But the Soviet emissary was very objective when he left Iraq. He said that his meeting with the Iraqi leadership was disappointing. The Iraqi régime does not want any solution other than the solution that keeps the international community silent as regards its annexation of Kuwait. That is what it wants. The Iraqi representative did not even mention Kuwait by name in his statement because he bases himself on the fact that Kuwait has been swallowed up. That is why he never dared to speak about the Kuwaiti problem itself.

I should like to say to the representative of Iraq that you and your Government are mistaken - there is international determination to stop your aggression and Kuwait will be liberated and will return to what it was - a source of good for its people, and its neighbours. Kuwait will continue its economic course and will expose how Iraq squandered its wealth in amassing weapons in order to commit aggression against its neighbours at the expense of the daily bread of the poor Iraqi people. The economic experience of Kuwait exposed the Iraqi régime. That is why that régime tries to avoid the issue by committing aggression against Kuwait. But the Security Council will stand firm and will adopt resolution after resolution until it forces the Iraqi régime to comply and avoid destroying the region.

The PRESIDENT: I should like to inform the Council that Romania has joined in sponsoring the draft resolution contained in document S/21911.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall take it that that is the case.

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I call on the representative of Ethiopia, who wishes to make a statement before the voting.

Mr. TADESSE (Ethiopia): Ever since Iraq invaded and annexed Kuwait, it has continued to pillage the country, terrorize its population and engage in a systematic campaign of deportation, all actions aimed at obliterating a Member State of the United Nations.

Not even third-country nationals have been spared mistreatment and violations by Iraq. The principles and rules governing diplomatic immunity and the sanctity of foreign missions have likewise been trampled upon.

Disregarding the successive resolutions adopted by the Council to effect Iraq's unconditional and speedy withdrawal from Kuwait, Iraq has refused to comply with the collective will of the international community.

All the efforts exerted so far, including the endeavours of the Council, the Secretary-General and the Arab League, have been designed to end the crisis through peaceful diplomatic and political means. To our great regret, to date there has not been the slightest indication from Baghdad of any change of heart. Even the Council's deferral of action on this agenda item last Saturday, prompted by our desire, hoping against hope, to give peace a chance, has once again been frustrated by Iraqi intransigence.

(Mr. Tadesse, Ethiopia)

In the light of this persistent defiance, the Council is left with little choice other than once again to shoulder its responsibility and send a clear message that its unity and resolve to end the Iraqi occupation of Kuwait are as strong as ever. It goes without saying that Iraq will be held accountable and, indeed, responsible for the lawlessness perpetrated by its occupation, with all its attendant consequences.

We regard peace as a necessary prerequisite for sound and normalized inter-State relations. By the same token, diplomatic efforts and political settlements continue to be our preferred means for restoring peace in the Gulf region. However, peace with occupation suggests perpetuation of the status quo which unlawful Iraqi aggression has brought about. In our view, the best peaceful avenue is for the Council to keep up the pressure on Iraq to withdraw from Kuwait without further delay. This, indeed, has been the path the Council has been on ever since it adopted resolution 660 (1990). Durable and genuine peace requires that the Council's principled line of action be sustained until the end of aggression and occupation. It demands the restoration of the sovereignty and territorial integrity of Kuwait. It further demands compliance with the successive Security Council resolutions, as well as full respect for the Charter of the United Nations and the rules of international law.

It is with this perspective, and consistent with the principled positions against aggression of the United Nations, the Non-Aligned Movement and the Organization of African Unity, that the Ethiopian delegation will vote for the draft resolution before the Council.

As we near the end of your presidency of the Security Council, Sir, my delegation would like to pay a tribute to you for the remarkable skill with which

(Mr. Tadesse, Ethiopia)

you have so ably succeeded in steering the Council on the course of unanimity and consensus during what we all realize has been a difficult month.

The PRESIDENT: I thank the representative of Ethiopia for the kind words he addressed to me at the end of his statement.

I shall now put the draft resolution to the vote.

A vote was taken by show of hands.

In favour: Canada, China, Colombia, Côte d'Ivoire, Ethiopia, Finland, France, Malaysia, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire

Against: None

Abstaining: Cuba, Yemen

The PRESIDENT: The result of the voting is as follows: 13 votes in favour, none against and two abstentions. The draft resolution has been adopted as resolution 674 (1990).

I now call on those members of the Council who wish to make statements following the voting.

Mr. AL-ASHTAL (Yemen) (interpretation from Arabic): Since the beginning of the crisis in the Gulf region, the Republic of Yemen has made continuous efforts to contain the crisis by peaceful means within an Arab framework. On 26 September, my delegation, together with others, submitted a draft resolution dealing with the crisis with a view to achieving a peaceful settlement. Consideration of the draft resolution was deferred more than once because of the negotiations going on at that time. Today, after all our attempts, we find that the draft resolution has been accepted in principle. It was included in draft resolution S/21911, on which the Council has just agreed, as paragraph 12.

(Mr. Al-Ashtal, Yemen)

Here I should like to express our thanks to those with whom we negotiated in order to reach the formulation submitted to the Council. However, our delegation believes that the resolution does not give the Secretary-General sufficient freedom to undertake initiatives independently in order to reach the desired solution. We also find that there are other constraints on States that could have made some endeavours to reach such a solution.

The delegation of the Republic of Yemen will always discuss any formulations eventually leading to the strengthening of peace and calling directly for a peaceful solution.

(Mr. Al-Ashtal, Yemen)

There are those who are frightened by those peaceful efforts and we know that they oppose them. There are those who try to deepen divisions amongst the Arab countries and to weaken the Arab nation in its struggle against zionism and its striving to realize the inalienable national rights of the Palestinian people. It is they who wish the embargo against Iraq to achieve its purposes within a few weeks, even though such processes have proved that they affect Iraq on a daily basis and that they will ultimately lead to Iraq's abiding by the provisions of the resolution that calls for the withdrawal of its forces from Kuwait and the restoration of the independence and full sovereignty of that country.

Those who are frightened by peaceful solutions are those who work to destroy Iraq's military, economic and social capabilities in order to serve the purposes and ambitions of Israel, to achieve full military hegemony over the region, and to serve the expansionist policy of Israel, which aims ultimately at acquiring the oil resources of the Arab countries.

There are those who wish to make the foreign military presence in the region more than a mere passing phenomenon. They even wish to provide reasons and incentives for those forces to remain in the Arab peninsula and the waters of the Gulf. There are those who do not hold fast to their resources and leave them in the hands of foreign interests, including arms traders and brokers.

It should be no surprise that the Republic of Yemen would take such a stand vis-à-vis the peaceful efforts. We do not live in a different continent. We are in close proximity to the conflict. In one way or another, we are at the heart of the conflict. Though the crisis is in the northern part of the Arab peninsula, we felt its effects in the south even before the situation worsens and becomes an armed conflict. We in Yemen have been greatly affected by the implementation of the Security Council resolution on the embargo. Yemen's losses to date amount to \$1.380 billion. We have been affected in other ways. The Council has seen in the

(Mr. Al-Ashtal, Yemen)

United States press that more than 1 million Yemeni nationals have left the neighbouring countries, leaving behind the property and rights that they acquired over decades of hard work.

We in our region find that peoples tend to suffer before Governments and States. When Governments are at loggerheads, people suffer. In certain cases, collective punishments are imposed. How can we justify the departure of more than 500,000 Yemenis from their homes within less than two months? Thirteen pregnant women gave birth on their return to Yemen.

This sad crisis occurred at a very critical time for us. On 22 May of this year, our best hopes were realized in the unification of Yemen. The two States of Yemen, North and South, were merged into one, which was the greatest achievement in the history of our people. The unification was achieved through peaceful and democratic means, with not a drop of blood being shed, in full friendship and love, and under a democratic constitution that includes all democratic concepts, beginning with the separation of powers and ensuring all basic freedoms, including freedom of expression. Today, in our country we have 30 independent newspapers, 22 independent political parties, and all the freedoms that are universally recognized.

There is no doubt that this is a new experience for us. In the conservative political atmosphere of the region, it is not easy to accept a democratic régime. We know that the Gulf crisis will increase those difficulties. The Yemeni people, however, is determined to take an independent path and to hold on to its unity and democratic principles, which we will strive to consolidate and to turn into reality in today's Yemen.

If we in Yemen have achieved unity through peaceful means, we cannot in any way accept that two Arab countries should settle their differences by military means. We therefore reject the invasion and annexation of Kuwait, and from this

(Mr. Al-Ashtal, Yemen)

forum we call on Iraq to withdraw from Kuwait and to solve existing differences between itself and Kuwait through peaceful means and within an Arab framework. We in the Republic of Yemen will pursue our efforts to reach a peaceful solution, to which there is no alternative.

Mr. ALARCON DE QUESADA (Cuba) (interpretation from Spanish): In recent days, the members of the Security Council have been bogged down in discussions long on substance and form. We have gone round in circles in an endless squabble regarding preambles, operative parts, and their various possible combinations. We have done much juggling with letters, numbers and asterisks, while at the same time the Government of the United States announced the dispatch of another 100,000 soldiers to the region with which we are dealing. The leaders of the United States Administration and Congress were openly discussing the manner in which the military attack would begin; whether or not there would be a declaration of war; whether authorization would be requested from the Senate or whether the Senate would merely be consulted; and whether the Council would in some manner be used for that stated purpose.

(Mr. Alarcon de Quesada, Cuba)

Some people may have been surprised that the Security Council should have been absent from that external debate. They may have been surprised if they recalled the terms of paragraph 4 of resolution 665 (1990), which this Council adopted two months ago:

"Further requests the States concerned to co-ordinate their actions in pursuit of the above paragraphs of this resolution using as appropriate the mechanisms of the Military Staff Committee and after consultation with the Secretary-General to submit reports to the Security Council and its Committee established under resolution 661 (1990) to facilitate the monitoring of the implementation of this resolution".

Anyone might have imagined that this very substantial increase in military forces - which, it is claimed, is in keeping with the Council resolution I have just cited - had anything to do with the monitoring of the implementation of that resolution and that the Council's members - two months after the adoption of the said resolution 665 (1990) and when we are witnessing ongoing discussions on television as to how a war might begin, who would authorize it and how the decision would be taken - might have received at least the first of the reports which they had sought in the resolution, the entire Council, legally speaking, having decided that such reports would be submitted since it was presumed that this body would constantly monitor the implementation of the resolution.

No doubt, we should be grateful to the representative of the United States for the courtesy and caution he has maintained to avoid diverting the attention of members of the Council from the important metaphysical disquisitions that took up so much of our time in recent days.

The outcome of those negotiations was the resolution the Council adopted a few moments ago. In this connection, my delegation would like to make a few comments.

(Mr. Alarcon de Quesada, Cuba)

To begin with, it seems obvious that Kuwait has the right to claim compensation for loss and damage caused as a result of the invasion and occupation to its territory. This Council has already formulated, and repeated, its view as to who is the aggressor and who is the victim. There was, therefore, no need for another Council resolution to reaffirm the inherent rights of the victim of aggression - in this case, Kuwait.

But that is not really the intention behind the resolution that has just been adopted. In my delegation's view, the purpose is to delay a settlement of the conflict in the region and to make the mission of the Secretary-General more difficult. More than once today we have heard about the circumstances of last Saturday and reference to the prudent decision of us all in deciding to wait a few days before taking a vote on this text. One might wonder whether there is any relationship between the vote on this resolution and some efforts involving good offices or peace efforts. One might also wonder as to how the Council interprets its own action in deciding today to adopt a resolution that, among other things, requests the Secretary-General to undertake similar efforts.

In our opinion, this text, in addition, seeks to give the Security Council certain tasks that do not fall within its purview and at the same time to prevent the Council from discharging certain obligations that it does have. First and foremost, it should be pointed out that Chapter VII of the Charter, under which the resolution is adopted, does not give the Security Council any authority whatsoever with respect to legal issues or issues that should be determined by courts of law. Neither that Chapter nor any other Chapter of the Charter grants such functions to the Security Council.

(Mr. Alarcon de Quesada, Cuba)

The Security Council, under the Charter, does not have power to make decisions as to liability or to determine compensation or restitution, such as a court might do. The only references in the Charter to such matters appear in Article 92, which quite clearly defines the International Court of Justice as the principal judicial organ of the United Nations. The only reference in the entire Charter to the issue of compensation or restitution is to be found in Article 36 of the Statute of the International Court of Justice. In this regard, I hope that we all remember that the Statute of the International Court of Justice is an integral part of the Charter of the United Nations, lest there be any doubt as to the competence and functions of the various organs created by the Charter. The Charter does not confer upon the Council any authority to decide upon or to discuss the functions and powers of the respective organs. These are powers of the General Assembly, as is clearly stated in Article 10 of the San Francisco Charter, which, dealing with the powers of the General Assembly, says that the Assembly may discuss questions "relating to the powers and functions of any organs provided for in the present Charter".

One should also ask oneself what specific powers the Council is giving itself under the terms of operative paragraph 2 of the resolution with regard to the collating of substantial information following alleged grave breaches by Iraq, as per its paragraph 1, and the calls on States to provide that information.

What will the Council do with that information? What powers has it taken upon itself? Are we turning ourselves into a court of law, despite the fact that the Charter tells us that we do not have such responsibilities?

There are references to international law in paragraphs 8 and 9 of this resolution - and that is contradictory, since, as we understand it, the Charter and

(Mr. Alarcon de Quesada, Cuba)

the Statute of the Court are part of international law. One might infer from these paragraphs that the Security Council, too, has some powers to make decisions as to liability and responsibility with regard to compensation and restitution

"as a result of the invasion and illegal occupation of Kuwait by Iraq".

(Mr. Alarcon de Quesada, Cuba)

The "result of the invasion and illegal occupation of Kuwait" is a concept which might have many interpretations. Does it perhaps mean that one would say that that responsibility belongs to Iraq and that Iraq would have to shoulder the cost of the military deployment by some Powers in the Gulf region? Does it mean that it is for Iraq exclusively to shoulder the responsibility for damages related to the crisis or to the decisions adopted by the Council to deal with the crisis which affect third States? According to this wording, it could perhaps be so interpreted. Does it then mean that the Security Council will not shoulder its responsibilities under Article 50 of the Charter?

Might it be the reason why in the first preambular paragraph of this text in which a number of resolutions are recalled starting with resolution 660 (1990), all of which refer to this conflict, mention is not made of resolution 669 (1990), the only resolution adopted so far by the Council on the issue of the fulfilment of its responsibilities under Article 50 of the Charter? Is this one way of saying that we shall in a formal manner enshrine the inertia and insensitivity of this Council towards the many requests for assistance submitted to the Council by a large number of States Members of the United Nations, to help deal with the adverse impact upon them deriving from the implementation of resolution 661 (1990)? If that is so, we believe that the Council not only is trying to take upon itself powers it does not have but is also indirectly avoiding fulfilment of responsibilities that it does have and should not fail to comply with.

Operative paragraph 12 of this resolution, which is contained in part B, refers to the Secretary-General of the United Nations. This text is very different from paragraph 7 - something that is quite striking. In paragraph 7, in which reference is made to the safety and well-being of third State nationals in Iraq and Kuwait, the Council does not hesitate to refer to "the continued exercise of his

(Mr. Alarcon de Quesada, Cuba)

good offices" - referring to the Secretary-General. When it comes to this very important but limited aspect of the issue, we seem to be willing to speak of the continued exercise of the good offices of the Secretary-General, but when we move on to the consideration of a possible peaceful settlement of the crisis and when we try to deal with the key issue, the more substantive issue, we seem to be using language that seems to be strange, to say the least. First we say "Reposes its trust in the Secretary-General". Clearly all of us have reposed our trust in him - when we elected him, when we re-elected him and throughout his term of office as he discharged his responsibilities - but not now, when he should exercise his good offices, but rather simply for him to make that offer. This seems to indicate the reluctance of this Council to support and promote efforts the Secretary-General himself has been making, something he was doing in fact even before the Council explicitly asked him to do so.

In the past few months, however, the idea seemed to be to have this Council support very clearly and without any hesitation the possibility of diplomatic peace efforts which we are convinced the Secretary-General can carry out. It is curious that we have had to confront such difficulties, when we think of another Security Council resolution that is mentioned here in the preambular paragraph in question: resolution 670 (1990). In one of the preambular paragraphs of resolution 670 (1990) we find the following:

"Welcoming the Secretary-General's use of his good offices to advance a peaceful solution based on the relevant Security Council resolutions and noting with appreciation his continuing efforts to this end."

After such a great effort looking at operative paragraph 12 of today's resolution, we wonder whether the Security Council welcomed with satisfaction or appreciation the efforts of the Secretary-General in this crisis. Did we really express our

(Mr. Alarcon de Quesada, Cuba)

gratitude for these continuing efforts barely a month ago, on 25 September? My delegation would like to say that it has full confidence in the Secretary-General, not only because of his sensitivity and awareness as a distinguished diplomat, a worthy citizen of this world, a man of responsibility who has already done and, we are certain, is ready to continue to do everything he can to ensure that peace may prevail and that we may achieve the implementation of the resolutions of this Council in a peaceful manner. We regret the fact that the Security Council has not been in a position to express more clearly and less hesitantly this kind of gratitude and support. Yet we continue to place our trust in him, in his ability and will, for among other things he has to deal not only with the great complexities of the issues we are discussing but also with the peculiar manner in which this organ has been dealing with these issues.

In our view, despite the fact that this resolution contains, although in a limited manner, that positive ingredient regarding the efforts of the Secretary-General, the text by and large is one more step towards war. In this specific case, in fact, there might even be attempts to manipulate peace efforts, as have in fact occurred in the long period of negotiations between what were originally two separate texts. It is also a step along a course, which we believe to be unacceptable, whereby this body is given functions that it should not have and that it has no right whatsoever to take upon itself, although at a given time in history temporary majorities may make it possible to gather the necessary votes to reinterpret the Charter and to have this Council take upon itself responsibilities not given to it by the Charter.

(Mr. Alarcon de Quesada, Cuba)

In addition, we believe that from a political and moral standpoint the Security Council - in particular some of the co-sponsors of this text - is not in the best of positions to deal with such issues as those dealt with in resolution 674 (1990). At one time in the past ports in Nicaragua were mined and a dirty war was launched against that country. Some States Members of the Organization went to the highest court of the United Nations, our court, the International Court of Justice, and that court attributed liability and took decisions which were never respected by the main proponent of this resolution.

For 23 years the Palestinian territories have been occupied by a foreign Power. Very soon, we hope, we shall once again be considering a report on the situation prevailing in that occupied country to see what we can do to protect the lives of its inhabitants. I wonder whether at that time someone will recall the need for us to turn ourselves into a court, or will we once again adopt the traditional phlegmatic attitude of the Council when it comes to dealing with the occupation of Palestine. Does this mean that an occupation, with its tragic consequences for the victim people, ceases to be a violation of the law because it has continued for 23 years? Is the violation of international law permissible and is inaction with respect to its tragic effects upon the victim people of that aggression normal simply because the aggressor has been able to out-maneuvre the international community for 23 years?

We do not yet know how many died as a consequence of the United States invasion of Panama or the consequences of that aggression for many citizens of that country in the past and even in the present. Can we be confident that at some time this Council will state its views in respect of that dreadful military attack or concern itself with the consequences past and present of that event for the population of that country?

(Mr. Alarcon de Quesada, Cuba)

We have heard statements - and we believe them to be legitimate - regarding the concern which everyone should feel about the violations which an occupier might be committing against the Kuwaiti population: the violations of their individual rights, their human rights, their rights over their property, their right to live in peace and tranquillity in their own country. It seems to us that this concern is legitimate. But it is and must be legitimate in all cases in which there is violation of human rights and aggression against peoples.

Many thousands of Angolan children are suffering the irreparable consequences of the anti-personnel mines laid in that country by armed bands financed, organized and equipped by the United States. It is not difficult to find information on this subject, if the Security Council wishes to collect it; it exists and is well known. The figures are shocking - just as shocking as would be the terrible consequences for future generations of that people of a war imposed upon them from outside with the support and encouragement of a major Power, a permanent member of of the Council.

The references would be endless if we were to cite all the examples of the inconsistency of this Council, a body which - with the tendency to repeat certain adjectives - is frequently called an "august" body. This term seems to us to be appropriate for the Council because more than once we have noted a certain imperious air in the manner in which some try to use and handle this body. The Council quite rightly repudiates the aggression against Kuwait and demands the immediate and unconditional withdrawal of the troops occupying that country. It proclaims its support for the independence, sovereignty and territorial integrity of Kuwait, and has spoken out, quite rightly, against the attempts to annex that country and against certain unlawful acts committed by Iraq against diplomatic missions and foreigners residing in Kuwait and Iraq. However, we believe that the

(Mr. Alarcon de Quesada, Cuba)

Council cannot and must not, while adhering to that just position with regard to those principles, act as though we can accept the imposition of criteria and strategies devised solely for the benefit of certain major Powers. To the extent that we do that, we move further and further away from our fundamental duty, which is to preserve peace, and that can take us closer, inadvertently and without even realizing it, without anyone telling us and despite all the resolutions of this body, to a war which we should not allow, much less foster, and which it is our duty to work hard to avoid.

Mr. RAZALI (Malaysia): The action of the Council in the course of last week and today in "marrying" two draft resolutions into one and adopting the resolution without having to have two votes underlines the recognition of the dual responsibility of the Council. It is only logical that the enforcement actions by the Council under Chapter VII of the Charter in the form of nine resolutions so far must be accompanied by a diplomatic effort to secure compliance with its resolutions and achieve a solution by peaceful means. That both are intertwined in one document means that one cannot be excluded from the other.

This is a significant development. Our Council, as the custodian of international peace and security, does not discharge that responsibility by a single-track commitment to a course of action, but always by never closing the door to diplomatic efforts and initiatives. Ours is not a Council in preparation for escalation, though our determination not to compromise on principles remains irreversible and should never be underestimated.

Malaysia and three other non-aligned members of the Council - Colombia, Cuba and Yemen - initiated the idea of the Council's involvement on a diplomatic front, as we believe that this is needed if the Council is to entrust the

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(Mr. Razali, Malaysia)

Secretary-General with using his good offices and undertaking diplomatic efforts to secure a peaceful settlement of the crisis on the basis of the relevant Security Council resolutions.

(Mr. Razali, Malaysia)

This is reflected in paragraph 12 of this resolution, though some of us would have wished for a more specific and clearer reference. In Malaysia's view the Council should allow adequate room for the Secretary-General to examine all factors that can contribute towards these efforts.

The Council has enormous faith in the ability of the Secretary-General, and would want him to succeed in his undertaking. Considerable time was taken to formulate paragraph 12, the thrust of our initiative on the role of the Secretary-General. We believe the Council should not be so circumspect about the usefulness and indeed the necessity of using the good offices of the Secretary-General, especially when such role is outlined in Articles 98, 99 and 100 of the Charter.

We believe that the peaceful course of action taken so far by the Council to seek the immediate and unconditional withdrawal of Iraqi forces and the restoration of Kuwaiti independence and sovereignty and reinstatement of its legitimate Government must be allowed time to have its effects. The economic sanctions are having their impact, and international support for this has been firm and effective.

Malaysia recognizes the necessity of all previous Council resolutions on this question being implemented fully and complied with by Iraq. But while the Council should keep up the pressure, it must also take into account the need for continuing diplomatic efforts, including those of the Secretary-General, to find a peaceful solution. The diplomatic efforts of countries in the region and others including the Soviet Union should continue. Each important step builds upon earlier efforts, and no untimely negative conclusion should be made.

Resolution 674 (1990), which has been the subject of long and careful negotiations incorporating the ideas and positions of the original two groups of sponsors, and later supported by other delegations, in our view serves to preserve what the Council has to pronounce at this point in time. Let there be no mistake

(Mr. Razali, Malaysia)

or misunderstanding: all of us should be working for and towards peace. Malaysia believes that the Council must discharge its responsibility correctly to this end.

The resolution is a coherent message that the Council stands firm and united in upholding the principles of the Charter and international law. The Council's ability and determination to undertake further enforcement measures should not be doubted, neither should there be any opaqueness as to the Council's serious concern over Iraqi actions related to paragraph 1 of the resolution. Paragraph 8 of the resolution makes clear to Iraq that under international law it is liable for any loss, damage and injury in regard to the interests of Kuwait and third States, and of their nationals and corporations.

It is in Iraq's best interests to co-operate with the existing diplomatic efforts and that to be undertaken by the Secretary-General. The onus is on Iraq to send the right signals back to the international community. There should be no other option.

Mr. ANET (Côte d'Ivoire) (interpretation from French): Mr. President, at the outset I should like to congratulate you on the highly commendable work you have done in order to arrive at a broad consensus text. It is to your credit that you have succeeded in reconciling ideas that at the beginning seemed irreconcilable.

In my delegation's view it was essential that we should reaffirm the principle of the need for the immediate and unconditional withdrawal of Iraq before commencing any negotiations with the Baghdad authorities. Had we neglected that aspect, we would in our opinion have been sending an ambiguous message to the Iraqi aggressor.

The very broad consensus text we have adopted is welcomed by my delegation as a member of the non-aligned movement because it reaffirms the principles of Kuwait's sovereignty, independence and territorial integrity, while remaining

(Mr. Anet, Côte d'Ivoire)

within the framework of the efforts of the Security Council to restore the rights of that Member State.

Having always striven to achieve consensus, my delegation can only express its gratification at seeing the spirit of reconciliation prevail over last-minute attempts at division. We congratulate all the sponsors on their willingness to maintain a united front on the Gulf crisis by accepting this text, which contains something for each of those that voted in favour of it.

My delegation voted in favour of this resolution, which once again illustrates the cohesiveness and unity of the members of the Council in pursuit of a clear and unambiguous objective: the unconditional and immediate withdrawal of Iraq and the restoration of the rights of Kuwait and the dignity of Kuwaitis.

Mr. BLANC (France) (interpretation from French): France welcomes the resolution we have just adopted, of which it was a sponsor.

Since Iraq continues to refuse to implement the Council's resolutions, it was essential for us to adopt a new text to induce that country's authorities to respect the rule of law and abide by the decisions of the international community.

In this text the Council has sought to meet a certain number of specific concerns. First, it is not possible to remain insensitive to the numerous grave violations of humanitarian law, in particular the Geneva Conventions, which have accompanied the occupation of Kuwait and primarily been inflicted on inhabitants of that country.

We should also not forget that Iraq continues to hold hostage thousands of foreign nationals, and that tens of thousands of others are stranded in both Iraq and Kuwait in extremely precarious and even inhumane conditions.

As for the situation, which is contrary to the rules of international law, inflicted on diplomatic and consular missions, it is very well known to everyone,

(Mr. Blanc, France)

as is the systematic destruction and plunder carried out by the occupying forces to erase the national identity of Kuwait.

Lastly, we must take into account the rightful claims of States, their nationals and corporations, in respect of loss, damage and other consequences suffered by them because of Iraq's illegal invasion and occupation of Kuwait.

At the same time we must unrelentingly press ahead with our quest for a peaceful solution to the crisis. That is why France shares the legitimate concern of those who have wished to emphasize the need to encourage the Secretary-General to use his good offices, on the basis of the Council's resolutions, in a manner and at a time he deems appropriate.

Mr. LI Daoyu (China) (interpretation from Chinese): I wish to express appreciation to you, Mr. President, for the excellent efforts you exerted during the negotiation of the present text.

Today the Security Council has once again adopted a resolution on the situation between Iraq and Kuwait. This resolution and other relevant resolutions reflect the determination of the international community to safeguard the purposes and principles of the Charter of the United Nations and to maintain world peace and security, and they constitute a good foundation for the settlement of the Gulf crisis. Iraq should attune itself to the just voice of the international community and earnestly implement this resolution and a series of relevant resolutions previously adopted, so as to restore peace and stability in the Gulf region.

Here, I should like to reiterate once again the principled position of the Chinese Government on the Gulf crisis: the Iraqi troops should withdraw from Kuwait immediately, unconditionally and completely; the sovereignty, independence and territorial integrity of Kuwait and its legitimate Government should be restored; the safety, freedom of movement and basic food and living requirements of all the foreign nationals in Iraq and Kuwait, including foreign diplomatic and consular mission personnel, should be ensured.

The Chinese Government always stands for the settlement of international conflicts through peaceful means. On the question of the Gulf crisis, the Chinese Government holds that efforts should be made to achieve a peaceful settlement on the basis of the implementation of the relevant Security Council resolutions, and opposes the use of force. Proceeding from the aforementioned position, we support the Secretary-General in continuing his mediation and good offices, and the Arab and Gulf countries as well as other parties in their endeavours to seek a peaceful

(Mr. Li Daoyu, China)

solution. We highly appreciate the inclusion of contents to that effect in the resolution that has just been adopted. This has given expression to the universal wishes and demands of peoples of the world. China will continue to work with other members of the Security Council as well as the international community and to make its contribution for an early and peaceful settlement of the Gulf crisis.

The PRESIDENT: I thank the representative of China for his kind words to me.

Mrs. CASTAÑO (Colombia) (interpretation from Spanish): At the Security Council meeting on 25 September last attended by the Foreign Ministers of almost all the States members of the Council, the Foreign Minister of the Republic of Colombia said the following:

"... The horrors of war, with its wake of suffering and destruction, cannot find justification in our times. The world still clearly remembers the horrible military experiences of the last 50 years; the wounds have not yet healed and the results were not worth so much pain and devastation.

"We wish, above all, to appeal for peace and reflection. We wish to insist on the urgent need to exhaust all the recourses to dialogue and to explore all the possible avenues of diplomacy and understanding, convinced as we are that any military confrontation would be a tragedy which we would regret for the rest of our lives.

"On behalf of the people and Government of Colombia, I make an urgent appeal to all leaders and rulers who hold in their hands the crucial decisions at this moment. We cannot resign ourselves to thinking that the only solution to the problems of the Persian Gulf can be found in a war in which innocent lives would be sacrificed and wounds would be opened which would take years to heal.

(Mrs. Castaño, Colombia)

"We think the time has come to ensure that all the roads to dialogue and diplomatic mediation are kept open. The intransigence of any of the parties is a real obstacle to the quest for a solution, and such intransigence will be held responsible for the tragedy.

"In resolution 660 (1990) the Security Council recommended the intervention of Arab countries to assist in the solution of the crisis. I believe we should encourage by all possible means an Arab solution to the conflict between Iraq and Kuwait. As Latin Americans, we know from our experience that regional participation in the solution of problems frequently offers more possibilities for success than the intervention of extra-regional Powers. The Central American process of recent years is clear proof of this assertion.

"Today, as we did on 2 August in connection with another resolution, we voted in favour of resolution 670 (1990), which further develops resolution 661 (1990) on an embargo against Iraq. We would have wished that, together with this resolution that we have just adopted, there would be another one calling on all parties, and in particular on the countries of the region, to undertake maximum efforts for peace, tolerance and harmony and to refrain from any acts which might contribute to making it more difficult to find formulas for a peaceful settlement. We hope that a draft resolution along those lines can be submitted to the Council with our co-sponsorship in the next few days." (S/PV.2943, pp. 56 and 57)

The very next day we submitted a draft resolution, along with Cuba, Malaysia and Yemen, developing the remarks made by our Foreign Minister the day before. But the truth is that the very next day, too, all kinds of pressure began to be exercised to induce us to forget about our text. The sole argument used was that

(Mrs. Castaño, Colombia)

this text would send the wrong message to Saddam Hussein. No explanation was given for that argument.

No one could possibly misinterpret a request to the Secretary-General to use all the avenues of dialogue and diplomacy to obtain Mr. Hussein's compliance with Security Council resolutions. What is more, we were given to understand that our draft did not have the approval of the Secretary-General. That did not prove to be the case. The Secretary-General must be, and clearly is, prepared at all times to use all political and diplomatic means in order to avoid war.

Almost a month passed, and, although it had not been possible for our draft to be considered by the Security Council, another draft appeared, which enjoyed the acceptance of the five permanent members, on the issue of compensation by Iraq for damages caused to Kuwait. This draft incorporated - actually, the better word would be "absorbed" - some of the elements in our draft.

Last week, in order to arrive at the final text of what is now resolution 674 (1990), intensive consultations took place that left us hurt and frustrated and wondering about the way the Security Council operates. My delegation is not making any judgement about these procedures. We ask everyone here to do so, from the depths of his soul, keeping in mind the future of the United Nations and of the world - which is all that really matters.

My delegation voted in favour of resolution 674 (1990) because we wished once again to protest vociferously against the violation of the principles of international law and of the Charter of the United Nations, and against the brutal use of force to settle disputes between States. Moreover, we can never accept the violation of the most elementary human rights, as Iraq has done in Kuwait. For all those reasons, we once again resolutely condemn Iraq's actions.

(Mrs. Castaño, Colombia)

We should have preferred paragraph 12 of the resolution to be adopted with the broad terms originally used in our draft. We believe that this would have sent a better message.

Mr. MUNTEANU (Romania): The delegation of Romania would like to express to you, Sir, our gratitude for your efforts and dedication with respect to obtaining agreement by the Council on the item under consideration and on resolution 674 (1990), of which Romania was a sponsor. It is indeed meaningful to us that members of the Council decided to strengthen their support for the accepted principles of the United Nations Charter and acted to suppress, by appropriate means of further enforcement measures, an act of aggression and a breach of world peace.

As all members of the Council are aware, my delegation has always acted to preserve the stand of the Council, which has demonstrated its legal, political and practical value on so many occasions, and especially in the preparation and adoption of resolutions on the situation between Iraq and Kuwait. Our position is inspired by the consistent view of Romania that the United Nations in general and the Security Council in particular should prove, whenever necessary, their determination to defend the basic principles of justice and international law.

In our bilateral informal consultations, we expressed a clear preference for a unified text because we are dealing with a single, broad issue, namely the implementation of earlier Security Council resolutions on the item concerning the situation between Iraq and Kuwait. We should like to express astonishment that agreements and commitments broke down, with doubtful explanations. This is a matter pertaining to principle, to respect for the Charter of the United Nations and to the condemnation of an unacceptable act of aggression, and not to any ideology or regional politics.

I should like also to point out that document S/21911, which contains the draft resolution just adopted as resolution 674 (1990), is in harmony with previous resolutions of the Council on the item under consideration. My delegation has in mind in particular the emphasis on the urgent need for the immediate and

(Mr. Munteanu, Romania)

unconditional withdrawal of all Iraqi forces from Kuwait and for the restoration of Kuwait's sovereignty, independence and territorial integrity.

Our vote on and sponsorship of resolution 674 (1990) is another reflection of the position of my country, as expressed by our favourable votes on all previous resolutions on the item "The situation between Iraq and Kuwait". That position is consistent with the substantive stand of Romania, which I have had the honour to present before the Council since 2 August 1990, and which is reflected in the relevant verbatim records of the Council.

Before concluding, I should like to emphasize in particular the value of paragraph 12 of resolution 674 (1990). There is no doubt that the Secretary-General should be encouraged to pursue his good offices and diplomatic efforts in order to reach a peaceful solution to the Gulf crisis. My delegation fully supports paragraph 12 and wishes the Secretary-General every success in his endeavours on this complex matter.

The PRESIDENT: I thank the representative of Romania for the kind words he addressed to me.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French): My delegation welcomes the Council's adoption of resolution 674 (1990), the central point of which is to define the responsibility of the Iraqi authorities and occupation forces vis-à-vis oppressed and mistreated Kuwaitis, third-State nationals taken hostage and diplomats whose diplomatic immunities have not been respected, which violates Security Council decisions, the Charter, the Fourth Geneva Convention and the Vienna Conventions on diplomatic and consular relations.

It is in the light of the gravity of Iraq's offences that the Council has demanded that Iraq end them, and make reparations in conformity with the provisions of international law for damages and losses and for all the harm done to Kuwait and

(Mr. Bagbeni Adeito Nzengeya, Zaire)

to third States, their nationals and corporations as a result of Iraq's invasion and illegal and continued occupation of Kuwait.

As a non-aligned country, Zaire is firmly committed to the principle of respect for the territorial integrity and independence of every State Member of the United Nations, irrespective of its size and population, in conformity with Article 2, paragraph 4, of the Charter, which calls upon all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

By inviting all States to contribute to a peaceful settlement of the crisis and by renewing its trust in the Secretary-General, Mr. Javier Perez de Cuellar, to make available his good offices as appropriate to reach a solution of the crisis on the basis of resolutions 660 (1990), 662 (1990) and 664 (1990), today's resolution constitutes a coherent, comprehensive and appropriate move in the light of Iraq's continued occupation of Kuwait and all its deplorable consequences.

It was in that context that my delegation joined other Council members in formulating and sponsoring resolution 674 (1990).

My delegation would have been unable to support a draft resolution having only diplomatic activity as its thrust, because such a step would have appeared isolated and unable to respond to any sign or act of good faith by Iraq, which continues to occupy Kuwait and to consider it as its nineteenth province. The present text, however, may be viewed in the context of multifaceted action by the Council; it takes into consideration all the factors, all the elements and all the implications of the invasion of Kuwait. In that way, the draft resolution adopted today is a complete text, which combines two draft texts and which supplements the arsenal of all provisions to be adopted in the context of preventive and enforcement action in conformity with Article 2, paragraph 5, of the Charter.

(Mr. Bagbeni Adeito Nzengeya, Zaire)

The Council's action is a thorough one. It highlights the pressing need for the immediate unconditional withdrawal of all Iraqi forces from Kuwait with a view to re-establishing the sovereignty, independence and territorial integrity of Kuwait and the authority of the Kuwaiti Government.

If necessary, the Council will remain seized of this question until Kuwait has recovered its independence and until lasting peace has been restored in a region already plagued by other conflicts.

In spite of the equivocation and stubbornness that have characterized Iraq's response to the many peace initiatives taken by States that cherish peace and justice - initiatives reflecting their determination to settle this crisis peacefully - my delegation hopes that this appeal to peace will be heeded by Iraq. The most recent goodwill mission carried out last weekend by Soviet President Gorbachev's special envoy, Mr. Primakov, was the most eloquent proof of this. Such determined belligerence by Iraq can only make it eventually suffer the consequences of its actions - or reap the fruits of the seeds it has sown.

Mr. President, it is only fair to say that your personal performance and your cool demeanour during October will make a mark on the history of the Security Council's work.

The PRESIDENT: I thank the representative of Zaire for the kind words he addressed to me.

Mr. TÖRNUDD (Finland): The resolution just adopted stresses once again that the way out of the crisis is complete withdrawal from the occupied territory of Kuwait in accordance with the resolutions adopted earlier by the Security Council. So much has happened since the beginning of the occupation that more and more problems caused by the occupation and by the behaviour of the occupation forces have come to the attention of the international community. It is important in our view that the Security Council has now begun to address some of those problems.

In the resolution, we have once more drawn attention to the rules of international law which have been flagrantly violated by Iraq in the invasion and occupation. Some of the rules, in particular those contained in the Fourth Geneva Convention, are intended to provide special protection for civilians living under the occupation. We wish to express our full solidarity with all those who are compelled to endure the conditions imposed by the military occupation régime, whether they be Kuwaiti citizens or nationals of other countries. Their plight must not be forgotten. Their losses and suffering have to be redressed in due course in accordance with international law, and the resolution reaffirms the liability of Iraq in that respect. We remind the Iraqi authorities that massive disregard for human rights inevitably leaves a bitter legacy. That is not the kind of legacy on which relations between States can be built in the future.

We also demand that the Iraqi authorities allow the immediate departure from occupied Kuwait and from Iraq of third State nationals, among them my countrymen.

In the resolution, the Security Council once again points out that the Secretary-General is available and ready to seek a peaceful way out of the present tense situation. At the same time it is obvious that results can be achieved only if Iraq is ready to comply fully with the respective resolutions of the Council.

Mr. FORTIER (Canada): Once again, the Security Council - our Council - has expressed, by its adoption of this important resolution by an overwhelming majority, the clear and unequivocal voice of the international community.

The resolution does several things in what we believe is an equitable manner. It expresses our profound alarm at the serious threat to international peace and security caused by Iraq's continuing refusal to withdraw completely and without conditions from Kuwait. The resolution lays particular stress on the dire plight of the third country nationals being held hostage by the Government of Iraq and the mistreatment of those nationals as well as the mistreatment of Kuwaiti citizens. In this respect the resolution reaffirms the applicability of the Fourth Geneva Convention to Kuwait and reminds the Government of Iraq that, as a High Contracting Party to the Convention, it is bound fully to comply with it and is liable at international law for grave breaches committed by it, as are individuals who commit or order the commission of such breaches.

Canada hopes that this time at last the Government of Iraq will respond urgently to the plight of those detained in Iraq and Kuwait against their will by permitting their immediate departure, by providing access to food, water and basic services to Kuwait citizens as well as to the nationals of third States in both Iraq and Kuwait, and by permitting the full functioning of diplomatic and consular missions.

(spoke in French)

The resolution we have adopted this afternoon also expresses the Council's confidence in the Secretary-General's ability to make the best possible use of his good offices in order to achieve a peaceful settlement of the crisis because, let us not forget, a peaceful settlement of this crisis remains the primary goal of the Council. In the resolution States are also asked to pursue their own efforts in

(Mr. Fortier, Canada)

this quest. We all hope that a peaceful solution will be found. It must be based on the implementation of Security Council resolutions - in particular, resolutions 660 (1990), 662 (1990) and 664 (1990) - which clearly define the framework which is needed for that solution, a framework which has received full endorsement by the international community.

(continued in English)

To underline further our united commitment that Iraq must comply with the resolutions of this body, the resolution we have just adopted reminds Iraq of its liability for losses, for damage or injury and invites States to collect information with respect to any claims which may be made in accordance with international law. This process is already under way in my capital.

The resolution marks a further step by the Council. Once again we signal that should Iraq continue blatantly to ignore the will of the international community, as expressed by the Council, further measures under the Charter will be required and we will not shy away from considering such measures. The Government of Iraq must be left in no doubt as to the will and commitment of the Security Council in this respect.

Mr. PICKERING (United States of America): The long, distorted, diffuse and somewhat bizarre statement of the representative of Iraq has already been well answered here in the Council. To listen to the invader of Kuwait attempt to lecture the Council on the meaning of the Charter was astounding but certainly not very persuasive.

Despite the characterizations we have heard from Iraq and Cuba, the policy of the United States and its objective of seeking peaceful implementation of Security Council resolutions has been made clear on numerous occasions at the highest levels of our Government - indeed by the President within the last day. His statement speaks clearly for itself.

(Mr. Pickering, United States)

The Council's resolutions on Iraq are clear. Since 2 August, the international community has acted in unison to condemn Iraq's unprovoked aggression against Kuwait, and has worked to take appropriate and measured steps to implement its resolution calling for immediate and unconditional withdrawal. Concerted action under Article 41 is already having an effect, signalling to Baghdad the international resolve that aggression upon a sovereign State Member of the United Nations must not be rewarded. Should Iraq continue to try to ignore and deny the international community, we believe that the Council will have to take further measures as prefigured in the resolution. The United States will actively support such efforts.

Iraq's continued unacceptable breach of international norms requires the international community to speak out yet again. It is speaking out today clearly against Iraq's efforts to destroy the sovereign State of Kuwait through organized looting, destruction, and even murder. By its systematic terrorizing of local and foreign innocent citizens, Baghdad has defied the world community, this Council and widely accepted standards of international conduct.

(Mr. Pickering, United States)

The Council further demands that Iraq honour its obligations under the Vienna Convention towards diplomatic and consular personnel and missions and ensure immediate access to supplies of food, water and basic services for those missions; that it allow those missions to exercise their functions for the protection of foreign nationals, assure the immunities of their premises and personnel and allow the departure of all diplomatic and consular personnel who wish to leave. The fundamental principles of international conduct among States are being challenged by Baghdad's deplorable and illegal conduct, and we reject that conduct.

The resolution also makes clear that Iraq is liable for full restitution or compensation for the losses and damages it has caused by its illegal invasion and occupation of Kuwait. We anticipate that the Council will address this question more fully in the days ahead. Baghdad must hear from us clearly: unprovoked aggression entails crippling costs, and Iraq must not be allowed to profit from its unacceptable disregard of the sovereignty and territorial integrity of another State.

It is the solemn duty of every State to protect its citizens. My Government takes this responsibility most seriously. We join the other members of this body in demonstrating solidarity and resolve to condemn Iraqi violations of the rights of Kuwaitis and third-State nationals present in Kuwait and Iraq. The continued denial of food, water and basic services, the refusal to permit the departure of any and all who seek to depart, the imposition of virtual siege and terror - these are unacceptable. By today's action the Council demands that Iraq cease its deliberate mistreatment of innocent citizens. I want to leave no doubt on this issue. We join the Council in this demand and we urge the Government of Iraq to comply. But I want to underscore one point very clearly. Every nation has a duty to protect its citizens. This is a fundamental obligation. The United States will do that which is necessary to meet its obligations to its own citizens.

The PRESIDENT: I shall now make a statement in my capacity as the representative of the United Kingdom.

Today, nearly two months after the initial Iraqi aggression, there is still no sign of any willingness by the Government of Iraq to comply with the series of Security Council resolutions calling for it to withdraw unconditionally from Kuwait, to rescind its purported annexation of that country and to restore the sovereignty, independence and territorial integrity of Kuwait under its legitimate Government.

Iraqi Government spokesmen continue to assert that Kuwait is the nineteenth province of Iraq, in defiance of Security Council resolutions 660 (1990) and 662 (1990) - and I must say that I found it rather offensive to have to listen this morning to the representative of Iraq speaking for over an hour and not managing to mention the word "Kuwait" during that time. This alone underlines the need for further action by the Council to remind Iraq of the determination of the international community that it should end its illegal acts.

On the question of human rights, evidence of a horrific and really unpleasant kind is emerging from Kuwait. Many people have been subject to arbitrary arrest; there have been beatings and killings by the occupying forces. That alone justifies the need for States to collate all the information they have on grave breaches of the Fourth Geneva Convention and of international law, as set out in operative paragraph 2 of the resolution the Council has just adopted.

But those are not the only international obligations Iraq is breaching. The remaining foreign embassies in Kuwait, including the embassy of my own country, are continuing their work in increasingly unpleasant and unacceptable physical circumstances. Their presence there demonstrates the determination of the international community not to yield to Iraq's attempt to close these embassies, in

(The President)

violation of the Vienna Conventions and Security Council resolution 667 (1990). My Government pays a tribute to the courage and endurance of the diplomats of all those countries who are still at their posts. Many third-State nationals are still held hostage by the Iraqi authorities, in defiance of Security Council resolution 664 (1990), and there is a cynical manipulation of such departures as are permitted to further propaganda objectives, which makes it quite unrealistic to argue that they reflect any genuine humanitarian reaction. All foreigners who wish to leave Iraq and Kuwait should be permitted to do so, and that is what this resolution says.

We know from reports from official sources, from the media and from the communications of the Permanent Representative of Kuwait that Iraq is continuing to loot and pillage Kuwait. The occupying forces have wrought havoc on the country's infrastructure, and the victims have not been Kuwaiti citizens alone but citizens of many third countries who have been forced to leave, citizens of developing countries who have lost their livelihood and all their possessions. That is the basis for the requirements for restitution and compensation set out in paragraphs 8 and 9 of the resolution just adopted.

Nobody favours a peaceful solution to the crisis more than my Government. That is why we are committed to making this embargo régime work, because that is the only way in which a peaceful solution will be reached. It frankly does not serve the cause of peace to suggest that a settlement can come about in any other way than through Iraq's compliance with the Security Council resolutions. To say otherwise is just to raise hopes that will be dashed.

We have complete confidence in the Secretary-General, whose efforts to explore the prospects for a peaceful settlement were rebuffed by the Iraqi Government when he went to Amman in late August. We support the Secretary-General's use of his

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good offices, but we underline the fact that this should occur as and when he considers it appropriate. And obviously the action of the Iraqi Government will be rather key in making that judgement.

The resolution for which we have just voted demonstrates the determination of the Security Council and the international community to maintain pressure against Iraq until such time as its illegal behaviour is brought to an end. Other measures of enforcement, including those under Chapter VII of the Charter, will need to be taken to bring this about if Iraq does not now show willingness to move.

I now resume my function as President of the Council.

The representative of Iraq has asked to make a statement, and I call on him.

Mr. AL-ANBARI (Iraq): I would like to make it clear that I have the highest respect personally for my friend Mr. Abulhasan. However, I will not reply to his misleading, I might say abusive, statement. It goes without saying that my Government does not recognize him as the representative of anyone.

I should like to make two further points.

First, my Government has the highest respect for and confidence in the Secretary-General, Mr. Javier Perez de Cuellar. I believe it is not fair or accurate to say that the Iraqi Government rebuffed him when he and our Foreign Minister met in Amman. We value his role and we look forward to co-operating fully with him at all times.

Secondly, with regard to the visit by Mr. Primakov to Baghdad, we believe that the visit was useful; we think that the more clarification and concretization there is of the broad ideas he put forward to the Iraqi leadership during his recent visit, the more useful his role will be. We value his bona fide and very sincere mission in the interest of a peaceful settlement of the conflict.

The PRESIDENT: The representative of Kuwait has asked to make a statement, and I call on him.

Mr. ABULHASAN (Kuwait) (interpretation from Arabic): It is not an honour for me or the State of Kuwait to be recognized by an Iraqi régime such as the one now in control of the Iraqi people, a régime that sheds blood and violates all that is holy. It is not an honour, but an affront, to be recognized by the representative of such a régime.

The PRESIDENT: There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 3 p.m.